

63. (New) The method of claim 38 further comprising forming the mask from a photomask material having a transmittance greater than zero and less than or equal to one.
64. (New) The method of claim 45 further comprising forming the assist feature from a material having a transmittance greater than zero and less than or equal to one.
65. (New) The method of claim 38 wherein the electromagnetic beam source is an actinic light source.
66. (New) The method of claim 38 further comprising the steps of:
employing an EMF (electromagnetic field) simulator; and
determining a complex transmittance and phase.
67. (New) The method of claim 45 wherein the at least one assist feature comprises multiple pairs of assist features.
68. (New) The method of claim 45 wherein the at least one primary feature comprises two dimensional primary features.

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Cont.

REMARKS

Further to the telephonic Restriction Requirement on September 26, 2002, please cancel without prejudice claims 20-37 and add new claims 38-68. Applicant herein traverses the Restriction Requirement and reserves the right to pursue the unelected claims in subsequent applications. Claims 38-68 were added to correspond to method claims filed in a Reply to Written Opinion in a counterpart PCT application.

Applicant traverses the Restriction Requirement because the claimed method is the only deterministic manner of forming the phase shift mask of unelected claims 20-37. While a mask exhibiting a phase shifted beam exhibiting zero-order characteristics may be devised by

accidental fabrication, the claimed method is the only deterministic and repeatable method of forming the mask.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

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